

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LDK SOLAR CO., LTD.,

Plaintiff

vs

SILICON SOLAR, LLC, et al,

Defendants.

NO. C09-5518 BHS

JOINT STATUS REPORT

The parties submit this Joint Status Report and Discovery Plan pursuant to Western District Local Rule 16(a) Federal Rule of Civil Procedure 26(f) and the Court's Order of August 27, 2009.

1. NATURE AND COMPLEXITY OF THE CASE

Plaintiff LDK Solar previously sued Defendant Silicon & Solar LLC and obtained a judgment in 3:09-CV-3077 BHS [Dkt. 24] against Defendant Silicon & Solar LLC on May 29, 2009. In this second lawsuit, Plaintiff alleges that Defendant Silicon & Solar LLC made improper transfers and distributions of funds to Defendants Silicon & Solar Manufacturing LLC, RMD Holdings LLC, Ecotech Recycling LLC, Renie Duvall, and her

1 husband Philip Mixer. Defendants deny these allegations. In addition Plaintiff has
2 asserted an equitable claim for an accounting, which would be determined by the court,
3 rather than the jury.

4
5 **2. RESULTS OF FRCP 26(f) CONFERENCE**

6 There are no outstanding motions at this time. The parties have not yet
7 commenced discovery at this time but are exchanging initial disclosures. Defendants
8 have filed an Answer and Affirmative Defenses.

9
10 **3. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES**

11 Additional parties should be joined no later than January 15, 2010.

12
13 **4. ALTERNATIVE DISPUTE RESOLUTION**

14 The parties agree that mediation should be used in this matter pursuant to Local
15 Rule CR 39.1. A Rule 39.1 mediation should be scheduled no later than June 30, 2010.

16
17 **5. PROPOSED DISCOVERY PLAN**

18 A. The parties held a FRCP 26(f) conference on December 4, 2009. The
19 parties anticipate exchanging initial disclosures as scheduled on December 18, 2009.
20 The parties also discussed the need for additional discovery at issue in the case and
21 outlined the following plan.

22 B. Discovery may be needed upon the following subjects:

- 23 • Liability of Defendants;
- 24 • Affirmative defenses raised by the Defendants; and
- 25 • Damages of Plaintiff.

26 Discovery should not be conducted in phases.

Discovery should not be limited to particular issues.

1 C. At this points the parties have not identified any necessary changes or
2 limitations on discovery imposed under the Federal and Local Civil Rules.

3 D. The parties will manage discovery so as to minimize expense by working
4 cooperatively to limit depositions, exchange documents informally and focus discovery
5 on disputed issues.

6 E. Defendants believe a protective order may be appropriate pursuant to Rule
7 26(c) to address confidentiality of the parties financial information.

8
9 **6. DATE BY WHICH DISCOVERY CAN BE COMPLETED**

10 July 30, 2010.

11 **7. USE OF MAGISTRATE JUDGE**

12 The parties do not consent to trial by Magistrate Judge.

13 **8. BIFURCATION OF TRIAL**

14 The parties do not agree to bifurcate trial at this point.

15 **9. PRETRIAL STATEMENTS AND ORDER**

16 The parties would prefer to dispense with the pretrial statements and pretrial
17 order called for by Local Rules 16 and 16.1, and instead develop a joint witness and
18 exhibit list.

19 **10. SUGGESTIONS TO SHORTEN OR SIMPLIFY CASE**

20 The parties will stipulate to undisputed facts and evidence in an effort to avoid use
21 of unnecessary court time and streamline presentation of this matter.

22 **11. TRIAL DATE**

23 The case should be ready for trial by November 8, 2010.

1 **12. TYPE OF TRIAL**

2 Plaintiff has requested a jury trial.

3 **13. ESTIMATED NUMBER OF TRIAL DAYS**

4 The parties expect to need five trial days.

5 **14. UNAVAILABILITY OF TRIAL COUNSEL**

6 Counsel for Plaintiff is generally available during the November 2010 - January
7 2011 time frame, other than the December 20 -31, 2010.

8 Counsel for Defendant is not available for trial from November 15-19, 2010,
9 December 6-10, and 20-24, 2010, and January 6-15, 2011 due to other trial
10 commitments.

11
12 Respectfully submitted this 4th day of December, 2009.

13 GORDON THOMAS HONEYWELL LLP

14
15 By /s/ Stephanie Bloomfield _____
16 Stephanie Bloomfield, WSBA No. 24251
17 sbloomfield@gth-law.com
18 Attorneys for Defendants

19 BETTS PATTERSON MINES

20 By /s/ James D. Nelson _____
21 James D. Nelson, WSBA No. 11134
22 jnelson@bpmlaw.com
23 Victoria M. Pond, WSBA No. 33159
24 vpond@bpmlaw.com
25 Attorneys for Plaintiff
26